UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.580
18 November 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 580th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 October 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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GE.99-44542 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Netherlands [CRC/C/51/Add.1; HRI/CORE/1/Add.66; written replies of the Government of the Netherlands to the questions raised in the list of issues to be taken up (document without symbol distributed during the meeting, in English only)]

1. At the invitation of the Chairperson, the Netherlands delegation resumed its places at the Committee table.

2. The CHAIRPERSON invited the members of the delegation to reply to the Committee's questions.

3. Mr. HALFF (Netherlands) said that the written replies contained information concerning adoption. He pointed out that most of the children adopted in the Netherlands came from Brazil, Colombia, China, India and Taiwan. He also explained that human rights were taught in secondary schools but, for the moment, no plans had been made to include that subject in the primary curricula. In reply to the allegation that 10 per cent of the teaching posts were reserved for homosexual teachers, he affirmed that the sexual tendencies of individuals concerned only themselves and, therefore, did not give rise to any positive or negative discrimination in the Netherlands. With regard to racial discrimination in schools, he referred to the last report that his country had submitted to the Committee on the Elimination of Racial Discrimination which gave an account of various measures designed to promote the integration of children from ethnic minorities in the school system (particularly through school subsidies, inquiries into allegations of segregation and inspections).

4. Mr. JANSEN (Netherlands) explained that the intake capacity of the childcare centres was adjusted every year in the light of the number of places in the previous year, the waiting lists and the needs estimated by the bodies responsible for the placement of children. A high official had been assigned to study ways to improve the placement procedures and the intake capacities, which were still insufficient even though they had doubled during the last three years.

5. With regard to child euthanasia, he emphasized that the decision lay primarily with the physicians, although they were not the only ones to determine whether the child was knowingly expressing his or her wishes. Such a decision inevitably involved a certain amount of uncertainty and could always be contested by the parents. The medical profession was nevertheless prepared to face the problems associated with that act. The Ministry obviously could not take a final decision on that question and the outcome of the debates that were taking place in the Parliament on that subject was currently awaited. In general, some people feared abuse of authority in the medical field. The medical system was such that physicians could act in accordance with the views of the children and the latter knew that they had the right to choose their physician. However, the legislation contained safeguards against abuses.

6. In the procedures for placement outside the family circle, children over 12 years of age were necessarily heard before any decision was taken. Children under 12 years of age could also be involved if they so wished, provided that they understood the situation. The children's participation was not confined to that stage but continued subsequently. With regard to the abduction of children, the Netherlands believed that the existing international agreements (particularly the Hague Convention of 1980) were effective. Although his country did not totally exclude the possibility of concluding bilateral agreements, it had not yet felt a need therefor.

7. Concerning confidentiality with regard to child victims of sexual abuse within the family, a bill of law would soon be submitted to the Parliament under which physicians would be obliged to report cases that came to their knowledge, even without the permission of the persons concerned. The lifting of medical secrecy in that context would make it easier to help the victims.

8. Finally, the situation of children adopted abroad and their parents was monitored by the bodies that served as intermediaries for the adoption and the results of that follow-up were also transmitted to the countries of origin.

9. Mrs. STAAL (Netherlands), in reply to the question concerning the difficulties faced by households receiving a minimum income or living below that threshold for at least four years, said that, in 1998, the Social and Cultural Planning Office and the Central Bureau of Statistics had carried out a survey of that situation. The results of the survey, presented in a report entitled "The other face of the Netherlands - Progress Report 1999" highlighted the following points: the situation of couples with children did not differ greatly from that of couples without children; inactivity was not necessarily the main reason for the inadequacy of resources, since account should also be taken of other factors such as educational level, health problems, social isolation and psychological problems; as a general rule, single-parent families and families with children were more frequently indebted for endogenous reasons, relating to the personality of the individuals themselves, and exogenous reasons such as the need to adapt to a lower standard of living or to meet sudden expenses (particularly after a divorce).

10. With regard to the situation of women in the labour market, she referred to the concluding observations of the Committee on Economic, Social and Cultural Rights according to which women were still being subjected to employment-related discrimination in the Netherlands. On being invited to reply to those observations, the Government of the Netherlands had drawn attention to measures that had been taken to improve that situation. In particular, a law prohibiting distinctions based on the number of hours worked had entered into force in 1996. Its purpose was to protect part-time workers, who were usually women, from any discrimination. With regard to wage equality, endeavours were currently being made to devise a method to monitor the impartiality of evaluation systems. The Ministry of Social Affairs and Labour had undertaken to compile a database on equal treatment between men and women in the field of employment. The Government also wished to emphasize that the high proportion of women working part-time should not automatically lead to the conclusion that the principle of equality was not being respected. It should be realized that many Dutch women preferred to look after their

children themselves during part of the week. In fact, the number of places available in day-care centres and other child-minding facilities was not always sufficient even though steps had been taken to remedy that problem. At all events, even when day-care possibilities existed, many women preferred to work part-time in order to devote some of their time to their children. That was a matter of personal choice; it was not a result of discrimination.

11. Mr. VAN LOON (Netherlands) said that he had just received a document containing a complete list of the responsibilities of Governments, provinces and municipalities in regard to the formulation and implementation of policies concerning participation by young persons. That document, together with brochures on the subject, were at the disposal of the members of the Committee. The National Youth Debate was not merely an annual event, even though it was important insofar as it attracted the attention of the media; the Government viewed that initiative rather as an opportunity for ongoing dialogue with young persons.

12. Non-traditional families had always formed the subject of extensive research, the conclusions of which were similar. It was generally acknowledged that family structure, in itself, had little effect on the manner in which children were brought up and socio-economic and cultural factors, as well as sudden upheavals in the immediate family, had a much greater impact. With regard to the problem of excision, in 1992 the Government had formulated a policy designed to prevent that practice and, if necessary, to permit legal proceedings to be brought at the request of the Office of the Public Prosecutor. A foundation known as "Pharos", which assisted refugees in the field of health, was particularly interested in that problem. Country-wide public awareness campaigns had been conducted. However, it remained difficult to control persons who left the country in order to undergo that operation. In such cases, both information and means of action were lacking.

13. The establishment of youth groups at the local level was not subject to specific regulations. Although they were not obligatory, there were many such groups. It was the municipalities themselves which decided on the structure and activities of those groups which, consequently, took various forms.

14. The client-linked budget scheme that had been in operation in the sectors of domiciliary care and care for persons with mental handicaps reflected a demand-driven approach designed to facilitate freedom of choice by the clients. Under that scheme, the needs of applicants were assessed and an insurance company calculated the requisite budget. If the latter was lower than a certain amount, the money needed for the acquisition of equipment and services was paid directly to the client. If it exceeded that amount, implementation of the agreement was entrusted to a health insurance fund. About 9,000 persons were currently benefiting from that scheme and plans had been made for its extension through the allocation of 10 per cent of the additional budgetary resources earmarked for health in coming years.

15. A question had been raised concerning the actual results obtained by the child abuse reporting centres. Provincial centres of that type had already been established and constituted a national network that was already operational. The provinces were responsible for the annual budget allocated to them by the Ministry of Justice and the Ministry of Health, Welfare and

Sport. The latter agreed with each of the provinces on the organization of the centres and the management of their tasks, which consisted in receiving requests for counselling and consultation from general practitioners or teachers, as well as reports on cases of child abuse. Although the number of cases recorded by those centres amounted to 16,000, the total number of cases, including those recorded elsewhere, was probably in the region of 50,000. The Government was endeavouring to ensure that all reports of abuse were dealt with by those centres, which was not yet being done on a systematic basis.

16. During the current year, a national task force had been set up to establish the modus operandi of the child abuse reporting centres. That task force was drawing up an amendment to the law on youth services, which would soon be submitted to the Parliament, and was looking into ways to improve the operation of the centres. Mrs. Karp's suggestion that such task forces should also include young persons who had suffered abuse would be transmitted to the persons concerned. The national campaign to promote those centres would begin only when they were able to receive a large number of persons, i.e. after the year 2000. For the moment, a campaign was being undertaken at the regional level to inform physicians and teachers of the existence of those centres.

17. The CHAIRPERSON invited the members to pose their questions concerning special protection measures.

18. Mr. FULCI said that, contrary to the reply that the Committee had been given, there were ways to penalize persons who sent young girls abroad to be excised. He suggested that, for those grave cases, the State party might consider promulgating legislation applicable to offences committed outside the territory of the Netherlands.

19. Given the fact that the Netherlands legislation prohibited the recruitment of children under 17 years of age into the armed forces, he wondered whether the Government of the Netherlands intended to ratify the new ILO Convention concerning child labour, article 3 of which prohibited the recruitment of child soldiers and their use in armed conflicts.

20. With regard to paragraphs 365 to 369 of the report, concerning drug abuse, he regretted the absence of information concerning the consequences of drug addiction, which tended to portray the situation in a favourable light. Was there a causal link between the Government's permissive policy on soft drugs and the use of drugs by children?

21. Mr. RABAH requested further information concerning the detention and rehabilitation centres. Who ran them, in what way did the Ministries cooperate in their operation and what difficulties were encountered with young persons? Did the alternative penalties also apply to adults and minors under 13 years of age and were special measures taken for girls in the rehabilitation centres?

22. Mrs. KARP noted that the Netherlands legislation did not protect consenting children over 16 years of age from sexual exploitation for commercial purposes. Did the State party intend to amend its legislation to

protect children, even consenting, up to the age of 18 as recommended in the declaration adopted at Stockholm by the World Congress against Commercial Sexual Exploitation of Children?

23. She also wished to know why the double criminality clause had not been abolished as new legislation on extraterritorial jurisdiction was being prepared. With regard to juvenile justice, when a case was being heard by a police court the child no longer had the right to a defence nor the right of appeal which, in her view, constituted a violation of human rights. Moreover, that procedural choice was apparently motivated by financial considerations. Did the impossibility of appeal also apply to adults? Had it been examined as a problem of constitutional law and were there any court judgements that could be quoted as examples?

24. Mrs. TIGERSTEDT-TÄHTELÄ wished to know the procedure applicable to an asylum-seeking minor. Was his case examined separately or, if his parents had requested asylum in another country, in the light of their request? She had also read in a report that, in centres for minor refugees, young girls who had probably had contacts in the Netherlands before their arrival disappeared and were exploited in prostitution networks. Was the Government aware of that problem and was it taking measures to solve it?

25. Mrs. OUEDRAOGO encouraged the State party to arrange for human rights, and particularly the rights of the child, to be taught in primary as well as secondary schools. Moreover, in view of the high rate of school drop-outs, she wished to know whether there was a system to monitor school attendance and, if so, how effective was it and what results had been achieved through the prescribed prevention measures.

26. She inquired about the age at which children were enrolled for vocational training, given the fact that it was important that a child should receive a basic education before embarking on vocational training.

27. Mrs. KARP, returning to the question of alternative measures, said that a prosecutor had to consult a board if he decided to apply them, whereas a police officer who took such a decision was not required to consult anyone. Was there any way in which a child who considered himself to be innocent could resist the pressure brought to bear by a police officer who, in most cases, was eager to close the file as soon as possible?

28. She wished to know whether, under the Government's programmes, minors who had been exploited sexually for commercial purposes were treated differently from child victims of abuse.

29. Mrs. SARDENBERG, like other members of the Committee, thought that the Convention should be included in the academic curriculum from the primary stage and should be presented, in a manner appropriate to children, by specially trained teachers.

30. She welcomed the fact that, in its replies, the Netherlands delegation had emphasized that a national debate should not be confined to isolated

events. However, she regretted the absence of a supervisory mechanism to guide the youth council by providing it with directives and inquired whether plans had been made to develop such a mechanism.

31. Since the report and the written replies made no mention of the question of suicide, she wished to know whether there were any statistics or studies on that subject and whether specific measures had been taken.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

32. Mr. HALFF (Netherlands) said that his country was considering ratification of ILO Convention No. 182 on the worst forms of child labour. The age for admission to vocational education was 12 years. A computer programme, developed by psychologists with a view to making children aware of the adverse effects of bullying, was presented to children in numerous primary and secondary schools and was to be disseminated more extensively.

33. Mr. JANSEN (Netherlands) said that, although the effects of the legislation on drugs could not be quantified precisely, they could be regarded as relatively satisfactory since the Netherlands had the lowest proportion of drug addicts in Europe. With regard to excision, it was an actionable offence to send young girls abroad to undergo that operation if they were Dutch nationals; otherwise, the situation was more difficult to handle. With regard to the reservation under which children did not have the right to appeal against a decision by a lower court, he pointed out that adults likewise did not have the right to appeal against decisions concerning minor offences. The Supreme Court of the Netherlands had not hitherto regarded that as constituting a violation of human rights.

34. When an unaccompanied minor arrived in the country as a refugee, there were two possible scenarios: if the parents could be contacted, and if they had sought asylum in another country, arrangements were made for the child to rejoin his or her parents; however, if the whereabouts of the parents were unknown and if it would be inappropriate to send the child back to his or her country of origin, the child was placed in a reception centre. Although children could leave those centres, which were not prisons, every endeavour was made to prevent that from happening; the children were supervised by social workers and were informed of the dangers to which they were exposed outside the centre. The centre also kept an exact description of the children so that they could be traced rapidly, if necessary. On two occasions, persons had been convicted of trafficking in children.

35. Alternative penalties were proposed by the police to children who had committed a minor offence. The penalty usually consisted in making amends for the damage caused or performing work in the public interest. Such alternative penalties were applied, in accordance wit.. procedural rules, under the supervision of the prosecutor. Special measures and treatment were prescribed for the victims of sexual exploitation for commercial purposes. The detention centres were run either directly by the Ministry of Justice or by a private body funded by the Ministry of Justice. Children were admitted indiscriminately to private or public centres. The possibility of enabling minors from 16 to 18 years of age to benefit from the provisions of the Stockholm Congress against Commercial Sexual Exploitation of Children was

being studied. Although boys and girls were treated separately, the same measures and the same types of treatment were applied to both. The question of double criminality remained a delicate subject on which it was difficult to take a decision given the fact that there was no international consensus on that matter.

36. Mrs. KARP pointed out that there were recent works on that question, particularly a UNICEF publication which favoured abolition of the double criminality condition in order to combat commercial sexual exploitation. Returning to the question of alternative penalties, she noted that, in reply to question 32, it had been said that those penalties could be imposed at three levels: by the police officer responsible for the investigation, by the prosecutor or by the court.

37. Mrs. TIGERSTEDT-TÄHTELÄ wished to know whether minor refugees received counselling and support on their arrival and at what stage they began to receive an academic education.

38. Mr. JANSEN (Netherlands) said that all children seeking asylum received academic education and were looked after by special teams of teachers and social workers. After a period of residence in a centre, they were transferred to a host family.

39. Mr. HALFF (Netherlands), in reply to a question concerning violence at school, said that a survey had been conducted in 1994. The results of that survey, covering 2,000 children attending 71 primary and secondary schools, were hardly encouraging as 43 per cent of the children regarded themselves as victims of physical or psychological abuse and 15 per cent as victims of physical violence. A new law on sexual abuse at school had recently been adopted and would soon enter into force. It placed the teaching staff under an obligation, inter alia, to report acts of sexual abuse, including harassment or threats of violence, that came to their knowledge. A brochure on violence at school would soon be published.

40. As had already been said, the Government had decided to accord priority attention to the question of the link between low income and school attendance. Experiments were currently being carried out in which schools were cooperating with their local social services and police in an attempt to solve the problems encountered. Some schools had electronic class registers that recorded the presence and absence of pupils. Children's school attendance was also recorded at the regional level. For the last one and a half years, large amounts of money had been allocated to the major cities to enable them to meet the needs of groups of children at risk. Inter-ministerial measures were being taken to prevent school drop-outs and attempts were being made to make school education more attractive to children, including those of pre-school age.

41. Mr. VAN LOON (Netherlands) drew attention to a report on health and poverty during the period 1997-2000. He also indicated that a study on poverty, health and children would be published in October 1999. With regard to mental health, there was a general policy document for 1999, a copy of which had been transmitted to the secretariat. That document showed that the demand for care was increasing and the disparity between that demand and the

availability of care was widening. In order to deal with that situation, the Government was taking steps to ensure closer coordination between the competent departments and had increased the resources allocated to in- or out-patient mental health care. It was obviously endeavouring to reduce the waiting lists at institutions for handicapped children. It had also taken steps to remedy the shortage of paediatric psychiatrists and improve their geographical distribution.

42. The CHAIRPERSON inquired about the rules governing the placement of minors in psychiatric institutions.

43. Mr. VAN LOON (Netherlands) said that children had the right to consult physicians anonymously and physicians, being naturally bound by professional secrecy, did not have the right to inform their parents. The only question that arose in that context was who paid the physician. At all events, there were clinics specialized in the treatment of sexually transmissible diseases in which anyone could consult anonymously. Those clinics informed women, inter alia, of the risk of transmission of the AIDS virus through breastfeeding.

44. The CHAIRPERSON inquired whether a mother who discovered that she was seropositive could benefit from special alternative care.

45. Mr. VAN LOON (Netherlands) said that the specialized clinics coordinated campaigns designed to make public opinion aware of that possibility of transmission of HIV and, first of all, strongly advised seropositive women against breastfeeding their child. Those women benefited from support and consultations. However, since he had no details on that subject, he undertook to transmit written information at a later date. He also said that the proportion of children who were breastfed in the Netherlands was generally very low. The Ministry of Health, several NGOs and private bodies were endeavouring to promote breastfeeding and a "feeding centre" was organizing a plan of action to that end.

46. Mr. HALFF (Netherlands) said that the infant mortality was high in some localities. A study entitled "Metropolis" which had been conducted among infants had shown, for example, that, in a district of Amsterdam where numerous foreign nationals lived, mortality among one-week-old infants was higher than elsewhere. That could not be attributed to socio-economic reasons, but it had been noted that children born to very young or middle-aged mothers were the most vulnerable. Health care in schools had not been abolished. Pupils from 5 to 13 years of age regularly underwent a preventive medical examination. That medical examination covered 90 to 100 per cent of all young citizens of the Netherlands.

47. Mrs. KARP requested confirmation of some allegations made in an NGO report to the effect that those examinations had been abolished due to budgetary constraints.

48. Mr. HALFF (Netherlands) undertook to study that question and to reply in writing to that and all the other questions raised by members of the Committee to which the delegation had not been able to reply.

49. The CHAIRPERSON invited the Netherlands delegation to transmit replies that took into account the actual situation of children in the Netherlands and invited the members of the Committee to pose their final questions.

50. Mrs. OUEDRAOGO inquired whether all children were aware of the existence of health services in schools.

51. Mrs. TIGERSTEDT-TÄHTELÄ reminded the Netherlands delegation that she would like to know the financial implications of all the legal provisions concerning children, as well as the practices of the various Ministries in that regard. She also inquired whether the Netherlands had ratified the Framework Convention for the Protection of National Minorities and whether it was taking measures to further the education of the children of minorities. Did such children have access to supplementary classes in their own language?

52. Mrs. SARDENBERG requested information on the suicide rate among children in the Netherlands and on the tests that were carried out to determine the age of unaccompanied children seeking asylum.

53. Mrs. KARP requested further information on school health services in the light of the observations received from NGOs. She also wished to know whether there were any plans or programmes to promote participation by children in primary schools.

54. Mr. FULCI said that, in the light of his 43 years of experience of bureaucracy, he particularly appreciated the delegation's excellent presentation which had answered virtually all the questions raised by the members of the Committee. However, he reaffirmed that the Netherlands delegation should have included members of the Government or the Parliament who were in closer contact with the population and had a better understanding of the needs of children. He inquired why the delegation did not include any children.

55. Mr. RABAH wished to know whether the Government of the Netherlands had to deal with the phenomenon of street children.

56. Mr. HALFF (Netherlands) said that, although the phenomenon of street children certainly existed in the Netherlands, that problem was less acute than in other countries. He pointed out that there were no child beggars in the Netherlands. He drew Mr. Fulci's attention to the fact that the presence of young Dutch women in the audience had been financed by the Government of the Netherlands. He undertook to transmit Mr. Fulci's concerns regarding the delegation's composition to his Government.

57. Mr. JANSEN (Netherlands) said that x-ray examinations to determine the age of unaccompanied children seeking asylum had been resumed in 1999 but was carried out only with the consent of the child concerned.

58. The CHAIRPERSON invited the members of the Committee to make their final preliminary comments on the presentation of the initial report of the Netherlands.

59. Mrs. OUEDRAOGO thanked the delegation for the information given to the Committee but regretted that it had not been possible to establish a real dialogue. She noted that, like many other developed countries, the Netherlands did not have a programme of action for children. The principal shortcomings noted during the consideration of the initial report included the fragmented view of programmes for children and young persons, the absence of mechanisms to implement the Convention and the lack of an ombudsman for children. The Netherlands should take measures to ensure wider dissemination of the Convention, the training of specialists in that field and more extensive participation by children through a national mechanism. She also recommended the intensification of programmes for the establishment of socio-psychological assistance centres for child victims of abuse, as well as greater efforts to combat the traditional practice of excision and to ensure better protection for unaccompanied minors seeking asylum.

60. Mrs. TIGERSTEDT-TÄHTELÄ welcomed the fact that the legislation of the Netherlands covered all the fields dealt with in the Convention and that numerous positive policies had been adopted for the benefit of children. Nevertheless, it would be advisable to ensure more effective coordination of the measures taken and to include NGOs in that rationalization exercise. The NGOs could provide valuable information, even during the preparation of the report. She also invited the Netherlands delegation to arrange for greater participation by children in the various programmes.

61. Mrs. SARDENBERG hoped that the Netherlands would reconsider, and withdraw, its reservations concerning the Convention. Greater attention should be accorded to questions relating to sexual exploitation, participation by young persons and coordination of the measures taken by the central and local authorities.

62. Mrs. KARP said that the Netherlands should devote more efforts to the promotion of the three "Ps" (protection, provision of services and participation).

63. Mr. HALFF (Netherlands) thanked the members of the Committee for the numerous relevant questions that they had posed to the Netherlands delegation. The latter had listened attentively to the concerns that they had expressed, particularly regarding the questions of participation and coordination. He regretted that some members of the Committee felt that there had been a lack of structured dialogue and firmly undertook to reply in writing to all the questions to which the delegation had not been able to reply immediately due to lack of time or of information.

64. The CHAIRPERSON announced that the Committee had concluded its consideration of the initial report of the Netherlands. She welcomed the positive situation of the country's children that it portrayed, even if it had not given, as it should have done, an overall view of that situation, thereby giving rise to a difficult exercise between the members of the Committee and the delegation of the State party.

The meeting rose at 1.10 p.m.